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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,126	09/27/1999	ROBERT W. BOSSEMEYER JR.	8285/314	2323

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GENERAL NUMBER 00757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60611

EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/407,126

Applicant(s)

BOSSEMEYER ET AL.

Examiner

Igor Borissov

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ML

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,14-19 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,14-19 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5-8, 10, 14-17 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott (US 6,324,273) in view of Panizzon et al. (US 4,219,700) and further in view of Majmudar et al. (US 4,897,866).

Alcott teaches a method and system for ordering a telecommunication service, comprising:

As per **claims 1, 10, 17 and 24-26**,

inquiring in a first transaction about a first telecommunication feature unavailable to a first party of a telecommunication network (column 3, line 62 - column 4, line 4);

in accordance with the inquiring in the first transaction, storing a first data structure which identifies the first party of the telecommunication network and the first telecommunication feature unavailable to the first party (column 3, line 48 –53; column 3, line 62 – column 4, line 4);

after storing the first data structure, inputting availability data which indicates an availability of the first telecommunication feature to a portion of the telecommunication network which serves the first party (column 3, line 62 - column 4, line 4);

determining that the first telecommunication feature has become available to the first party based on the first data structure and the availability data (column 4, lines 15-25).

Alcott does not specifically teach that inputting said availability data, which indicates availability of the first telecommunication feature to a portion of the telecommunication network serving the first party, is occurring after completion of the

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first transaction; and after upgrading the portion of the telecommunication network which serves the first party.

Panizzon et al. (hereinafter Panizzon) teaches a method and system for party line subscriber interface circuit, wherein a telephone service subscriber, after he inquired for a telecommunication feature, said feature was unavailable for the subscriber, and after he completed the inquiry, and after the processing the availability of said feature, was informed that said feature had become available to him (column 2, lines 48-54; column 9, line 57 - column 10, line 7).

Majmudar et al. (hereinafter Majmudar) teaches a method and system for telecommunication arrangement, wherein, after a subscriber selects (inquires) a desired specific telecommunication feature, his request is processed, and appropriate software modules are assembled to enable the requested feature. After this event, if user lifts a handset to originate a call, the requested feature is available (column 6, lines 1-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott to include that inputting said availability data, which indicates an availability of the first telecommunication feature, is occurring after completion of the first transaction, as taught by Panizzon, because it would improve the customer service of the service providers by allowing subscribers to inquire for the desired feature only once. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott and Panizzon to include that inputting said availability data is occurring after upgrading the portion of the telecommunication network which serves the first party, as taught by Majmudar, because upgrading of network would allow to accommodate various needs subscribers may have, thereby make the system more attractive to customers.

Also, Alcott teaches:

As per **claim 5**, said method and system, comprising: prior to inputting the availability data, receiving a call from the first party, and informing in the call that the first telecommunication feature is unavailable to the first party (column 1, lines 11-33; column 3, line 41 - column 4, line 4).

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As per **claims 6-7, 14-15 and 21-22**, said method and system, wherein the first telecommunication feature comprises a telecommunication service or product (column 1, lines 6-7).

As per **claims 8, 16 and 23**, said method and system, wherein the telecommunication network comprises a telephone network (column 1, line 62 - column 2, line 12).

Claims 2-3, 9, 11-12 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott, Panizzon and Majmudar.

As per **claims 2, 11 and 18**, Alcott Panizzon and Majmudar teach said method and system, except for storing a second data structure which identifies a second party of the telecommunication network and the first telecommunication feature unavailable to the second party before inputting the availability data.

It would have been an obvious to one having ordinary skill in the art to modify Alcott, Panizzon and Majmudar and to include any number of parties of said telecommunication network, because it appears that the claimed features does not distinguish the invention over similar features in the prior art, and the teachings of Alcott Panizzon and Majmudar would perform the invention as claimed by the applicant with any number of parties.

Also, Alcott, Panizzon and Majmudar teach:

As per **claims 3, 12 and 19**, said method and system, comprising storing a second data structure which identifies a second party of the telecommunication network and a second telecommunication feature unavailable to the second party before inputting the availability data (Alcott: column 2, lines 28-37; column 3, line 41 - column 4, line 4);

- determining that the second telecommunication feature remains unavailable to the second party based on the second data structure and the availability data (Alcott: column 4, lines 15-25).

As per **claim 9**, said method and system, comprising:

- inputting availability data which indicates an availability of the first telecommunication feature to a portion of the telecommunication network which serves the first party (Alcott: column 3, line 62 - column 4, line 4);
- determining that the first telecommunication feature has become available to the first party based on the first data structure, the second data structure, the third data structure, and the availability data (Alcott: column 4, lines 15-20).

Response to Arguments

Applicant's arguments filed on 1/30/04 have been fully considered but they are not persuasive.

In response to the Applicant's argument that cited prior art does not teach the invention, examiner points out that Alcott in view of Panizzon and further in view of Majmudar do, in fact, teach the inventive features.

Alcott teaches: determining that the telecommunication feature, that had been unavailable to a first party, has become available to the first party (column 4, lines 15-25). Panizzon teaches: informing a telephone service subscriber that the telecommunication feature, that had been unavailable, had become available to the subscriber after the subscriber has completed the inquiry, and after the processing the availability of said telecommunication feature (column 2, lines 48-54; column 9, line 57 - column 10, line 7). Majmudar teaches: upon request, upgrading a telecommunication network so that a desired specific telecommunication feature would be available for the subscriber (column 6, lines 1-17). The motivation to combine Alcott and Panizzon would be to improve the customer service of the service providers by notifying the subscriber about availability of the inquired (in the past) features. And the motivation to combine Alcott, Panizzon and Majmudar would be the ability to accommodate various needs of subscribers.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final
communications labeled "Box AF"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600